



IDEM Permit Guide:

Obtaining a Certification for Special Waste

www.IN.gov/idem/guides/permit/waste/specialwastecert.html

NOTE: Effective July 1, 2000, IDEM no longer issues Special Waste Certifications. Indiana Senate Bill 372, passed during the Spring 2000 legislative session, took effect on that date, eliminating the designation "Special Waste" and reclassifying it as "industrial waste". However, existing Special Waste Certifications are effective until they expire, or until July 1, 2001, whichever comes first. Therefore, for historical purposes, this page will remain in the IDEM Permit Guide until all Special Waste Certifications are expired. Meanwhile, information on disposal requirements for what was called Special Waste can be found under the page [Disposing of Industrial Waste](http://www.in.gov/idem/guides/permit/waste/disposindustwste.html) at <http://www.in.gov/idem/guides/permit/waste/disposindustwste.html>.

All the following is historical information, and some of the denoted hyperlinks may no longer function:

Who May Need a Special Waste Certification

Industrial waste which has been determined to be non-hazardous (also known as special waste, see definition below) may be disposed of in any municipal solid waste landfill, or portion of a municipal solid waste landfill, constructed with a synthetic bottom liner as required beginning on October 9, 1993, under RCRA's (the Resource Conservation and Recovery Act) Code of Federal Regulations 40 CFR 258 (commonly known as Subtitle D). However, industrial generators of special waste must obtain a special waste certification from IDEM prior to disposing of that special waste in either a municipal solid waste landfill not constructed to Subtitle D standards, or in a municipal solid waste incinerator.

Under the Indiana Solid Waste Regulations (Title 329 of the Indiana Administrative Code, Article 10, Rule 2, Section 179, or [329 IAC 10-2-179](http://www.in.gov/idem/guides/permit/waste/disposindustwste.html)) special waste is defined as any solid waste from a nonresidential source that includes any of the following:

- 1) Sludge;
- 2) Industrial process waste;
- 3) Pollution control waste;

- 4) Incinerator residue (except from hazardous waste or PCB incinerators);
- 5) Regulated asbestos-containing material;
- 6) Contaminated soil, residue, debris, and articles from the cleanup of a spill or release of the aforementioned waste materials; or
- 7) Any of the aforementioned waste materials that is a free liquid or contains free liquid.

However, special waste does not include:

- 1) Coal ash or scrubber residue;
- 2) Construction or demolition unless it contains asbestos;
- 3) Industrial or commercial waste that is similar to household waste (paper, cardboard, plastic, wood, metal scrap, glass, office and landscape wastes)
(See “Industrial or Commercial Waste That is Similar to General Household Solid Waste-Special Waste” at <http://www.IN.gov/ide/olq/publications/guidance/index.html>);
- 4) Food products in labeled containers of 5 gallons or less;
- 5) Food products or byproducts (See
- 6) “Guidance Interpreting Exclusion of Food Products & Food Byproducts From Special Waste Regulation” at <http://www.IN.gov/ide/olq/publications/guidance/index.html>);
- 7) Wastewater-related grit;
- 8) Small quantities of any or the special wastes listed above (generated in quantities less than 220 pounds per month and disposed of in quantities less than 2200 pounds per shipment) except for asbestos-containing materials;
- 9) Foundry sands, excluding fines and dust from dust collector and pollution control devices, that meet Type III restricted waste site criteria in 329 IAC 10-9 (See “Foundry Sand Waste Classification Guidelines” at <http://www.IN.gov/ide/olq/publications/guidance/index.html>);
- 10) Infectious waste as defined in by 329 IAC 10-2-96;
- 11) Empty containers that meet the requirements of 329 IAC 10-8.1-3(k) (See “Disposal of Empty Containers as Solid Waste” at <http://www.IN.gov/ide/olq/publications/guidance/index.html>);
- 12) Slag from steel and iron producing industries;
- 13) Refractory brick, fire clay refractory earth, fire brick, and ceramic block that meet Type III criteria in 329 IAC 10-9;
- 14) Fiberglass scrap;
- 15) Waste materials from manufacturing operations that are consistent with and similar to construction/demolition debris as defined in 329 IAC 10-2-37 (See “Construction/demolition-guidance on What the Special Waste Exclusion Includes” at <http://www.IN.gov/ide/olq/publications/guidance/index.html>).

As previously mentioned, any municipal solid waste landfill constructed to the RCRA Subtitle D standards promulgated October 9, 1993 (a landfill built with a synthetic liner in the bottom), may accept special waste without requiring that the generator obtain a special waste certification. However, such disposal must comply with the recently passed (May 13, 1999) statutory requirements found in Sections 1 through 7 of the Indiana Code IC 13-20-7. This

disposal requires the generator to provide, to the landfill, a signed notification attesting to the following:

- < the special waste is not a hazardous waste;
- < a waste determination was performed on the special waste in accordance with 40 CFRs 61, 190 through 299, and 761;
- < any special waste management requirements including fugitive dust and heat producing waste is identified; and
- < the characteristics of the waste have not changed since a waste determination was performed.

Note: the generator must also make available to the landfill and the IDEM, if requested, all documentation that supports the waste determination, including all information to validate the waste determination.

Generators intending to dispose of special waste in a landfill not constructed to Subtitle D standards are advised to first contact IDEM staff regarding obtaining a special waste certification. Special waste which has not received IDEM-certification must be refused by the operators of landfills not built to Subtitle D standards. In such instances, the operator will refer the generator to IDEM for a special waste certification. The IDEM Special Waste Certification Program will then review the waste determination documents to verify that the waste is non-hazardous, prior to issuing a certification.

Some of the Things That Must be Done to Comply with the Requirements on Special Waste include:

- < Complete a waste determination as required by [329 IAC 10-7.1](#)
- < Submit a special waste certification application to IDEM including all documentation that supports the waste determination,
- < Enclose the documentation from the waste determination,
- < Enclose \$250 for a Special Waste Certification payable to IDEM, and
- < Notify IDEM of any a change in the process which generates special waste which has been certified by IDEM.

What to Expect

IDEM will complete its review of Special Waste Certification requests within 50 days of receiving the application. If the waste is certified as special waste, it may be accepted at the municipal solid waste landfill for which certification was required, or at any municipal solid waste landfill constructed with a synthetic bottom liner as required in RCRA Subtitle D, beginning October 9, 1993.

For Additional Information

To obtain additional information about making special waste determinations and certifying Special Waste for disposal please contact Rosemary Cantwell at 317/308-3003 or visit the

IDEM Internet Website on [Special Waste](http://www.IN.gov/idem/olq/special_topics/special_waste/index.html) at http://www.IN.gov/idem/olq/special_topics/special_waste/index.html or on [Commonly Asked Questions About Special Waste and Waste Determinations](http://www.IN.gov/idem/olq/publications/guidance/index.html) at <http://www.IN.gov/idem/olq/publications/guidance/index.html>. To obtain a special waste certification application please contact Joyce Billington at 317/308-3131.

Disclaimer

This permit guide is intended to provide background information which should be useful in planning for a particular project that may require an environmental permit. It does not substitute for consultation with the appropriate regulatory agency and/or the appropriate rules or statute.